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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,833	03/22/2004	Michael B. Martin	Heavyweight-1	1502
7590 Browning Bushman, P.C. Suite 1800 5718 Westheimer Houston, TX 77057			EXAMINER NGUYEN, TUAN N	
			ART UNIT 3751	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/805,833

Applicant(s)

MARTIN, MICHAEL B.

Examiner

Tuan N. Nguyen

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 8-20 have been considered but are moot in view of the new ground(s) of rejection as indicated below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hepple in view of Tucker et al. (hereinafter Tucker).

Hepple discloses a scrub brush, which is considered as a weighted scrub brush due to the weight of the motor (76) acting thereon. The brush comprising a brush head (62) as claimed; a plurality of bristles (92) as claimed, the plurality of bristles (92 facing the floor as shown in Fig. 5) extending downward from the downwardly facing bristle support surface (defines by 90 or 91), the plurality of bristles does somewhat supporting the brush head when the brush is in use since it contact the floor; a weight (76), which is obviously removably positioned within a weight recess as claimed (see Fig. 1) because any part that assembled can be disassembled; a handle as claimed; a liquid intake port as claimed; a conduit as claimed; a liquid valve as claimed; a trigger as claimed; a liquid distribution manifold as claimed; and a chemical dispenser as claimed (see Fig. 1). The brush would inherently include a chemical valve as claimed; a male support member as

claimed (which below the motor 76); and a cantilevered support latch as claimed.

Although the liquid supply of Hepple reference is not on the handle and the bristles are not solely supporting the brush head when in use as claimed, attention is directed to the Tucker reference, which discloses an analogous device, which further includes a liquid supply (141) on the handle and a plurality of bristles (40) solely supporting the brush head when in use as claimed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ, on the Hepple handle, a liquid supply and a plurality of bristles solely supporting the brush head when in use as, for example, taught by Tucker since applying a known technique to a known device ready for improvement to yield predictable results.

4. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Besel et al. (hereinafter Besel) in view of Tucker.

Besel discloses a scrub brush, which is considered as a weighted scrub brush due to the weight of the motor (18) acting thereon. The Besel includes the structure of the weighted brush as claimed, a plurality of bristles (30L facing the floor as shown in Fig. 2) extending downward from the downwardly facing bristle support surface (defined by 30P), the plurality of bristles does somewhat supporting the brush head when the brush is in use since it contacts the floor; wherein the weight is motor (18) which is inherently removable and the roller is wheel (34) where a user may be pivoted to a forward, inverted position to roll the brush if the user desires to. Furthermore, the roller (wheels 34) is secured to a central body via rod (34A), the roller rotatably mounted to the brush head and having a central axis (about 34A) spaced above the plurality of

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bristles such that the brush head may be pivoted to a forward, inverted position (the position when a user press on the handle 14H of Besel, the brush head tilting upward with respect to the back wheels will obviously cause the bristles to disengage from the floor) to roll the scrub brush on the roller while the bristles are disengaged from a floor surface. The pair of laterally opposing outer body portions (about 14F) does taper downwardly from the top toward the laterally opposing ends (14F). The end of member 18 would obviously have a male end that sit in the female support of the head. The cantilevered support latch as claimed is a well known fastening means in the fastener art to clamp one member to another.

Although the bristles of Besel device are not solely supporting the brush head when in use as claimed, attention is directed to the Tucker reference, which discloses an analogous device, which further includes a plurality of bristles (40) solely supporting the brush head when in use as claimed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ, on the Besel device, a plurality of bristles solely supporting the brush head when in use as, for example, taught by Tucker since applying a known technique to a known device ready for improvement to yield predictable results.

Allowable Subject Matter

5. Claims 1-7 are free of the prior art of record.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Phillips discloses another sole bristles supporting brush.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tuan Nguyen
Primary Examiner
Art Unit 3751

TN